

1 Anthony L. Martin
2 Nevada Bar No. 8177
3 anthony.martin@ogletree.com
4 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
5 Wells Fargo Tower
6 Suite 1500
7 3800 Howard Hughes Parkway
8 Las Vegas, NV 89169
9 Telephone: 702.369.6800
10 Fax: 702.369.6888

11 Julie A. Springer (*Pro Hac Vice to be submitted*)
12 Texas Bar No. 18966770
13 jspringer@wshllp.com

14 Matt C. Wood (*Pro Hac Vice to be submitted*)
15 Texas Bar No. 24066306
16 mwood@wshllp.com

17 WEISBART SPRINGER HAYES LLP
18 212 Lavaca Street, Suite 200
19 Austin, TX 78701
20 Telephone: 512.652.5780
21 Fax: 512.682.2074

22 *Attorneys for Defendant Alorica, Inc.*

23 **UNITED STATES DISTRICT COURT**
24
FOR THE DISTRICT OF NEVADA

25 ERIC BLANKENSHIP and CHRIS KAHL, on
26 behalf of themselves and all others similarly
27 situated,

28 **CASE NO.:**

29 Plaintiffs,

30 **NOTICE OF REMOVAL**

31 vs.

32 ALORICA, INC., AND DOES 1 through 50,
33 inclusive,

34 Defendants.

35
36 Defendant Alorica, Inc. (“Alorica”) files this Notice of Removal pursuant to 28 U.S.C.
37 §§ 1441 and 1446 and hereby removes this civil action from the Second Judicial District Court of
38

1 the State of Nevada (County of Washoe) to the United States District Court for the District of
2 Nevada. The grounds in support of this Notice of Removal are as follows:

3 On May 16, 2018, Alorica was served with the formal Summons and Collective and
4 Class Action Complaint in the state-court action styled *Eric Blakenship [sic] and Chris Kahl, on*
5 *behalf of themselves and all others similarly situated v. Alorica, Inc. and Does 1 through 50,*
6 *inclusive*, Case No. CV18-00825, Second Judicial District Court of the State of Nevada in and
7 for the County of Washoe (“the State Court Action”). Plaintiffs’ Summons, Collective and Class
8 Action Complaint, and Demand for Jury Trial are attached hereto as **Exhibits A-C** and constitute
9 all process, pleadings, or orders served on Defendant in the State Court Action.

10 This Notice of Removal is timely because it is being filed within thirty days after Alorica
11 was served with the Summons and Complaint. *See* 28 U.S.C. § 1446(b). As noted above,
12 Alorica was served by personal service on its registered agent on May 16, 2018.

13 The State Court Action is properly removable to the United States District Court because
14 this Court has original jurisdiction over the action. *See* 28 U.S.C. § 1441(a). The Complaint
15 alleges both federal and state causes of action for unpaid wages. Pursuant to 28 U.S.C. § 1331,
16 this Court has federal-question subject-matter jurisdiction over the Complaint’s causes of action
17 under the federal Fair Labor Standards Act (29 U.S.C. § 201 *et seq.*). Pursuant to
18 28 U.S.C. § 1367, this Court has supplemental subject-matter jurisdiction over the Complaint’s
19 corresponding Nevada state claims, all of which allege unpaid wages under the same or similar
20 circumstances and thus arise out of a “common nucleus of operative fact” with the federal
21 claims. *Bahrampour v. Lampert*, 356 F.3d 969, 978 (9th Cir. 2004); *see also Salim Shahriar v.*
22 *Smith & Wollensky Rest. Group, Inc.*, 659 F.3d 234, 245 (2d Cir. 2011) (holding that FLSA and
23 state-law wage and hour claims arise out of same operative facts and affirming district court’s
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finding of supplemental jurisdiction). In particular, the Complaint advances the same allegations of off-the-clock work in support of both its FLSA claim and its Nevada claims. *Compare* Complaint ¶ 26 (FLSA claim), *with id.* ¶¶ 37, 42, 49, 57 (Nevada claims).

Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391.

Upon the filing of this Notice of Removal, Defendant will give written notice to Plaintiffs and will file a copy of this Notice of Removal, along with the requisite notice thereof, with the Clerk of the District Court of Washoe County, Nevada, with service upon the Plaintiff.

By filing this Notice of Removal, Defendant is not waiving any defenses that may be available to it and specifically reserves the right to raise all such defenses, including any defects in personal jurisdiction or the right to compel arbitration.

This Notice of Removal is executed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

Dated this 5th day of June, 2018.

OGLETREE, DEAKINS, NASH, SMOAK
& STEWART, P.C.

/s/ Anthony L. Martin

Anthony L. Martin

3800 Howard Hughes Parkway

Suite 1500

Las Vegas, NV 89169

Telephone: 702.369.6800

WEISBART SPRINGER HAYES LLP

Julie A. Springer (*Pro Hac Vice* to be submitted)

Matt C. Wood (*Pro Hac Vice to be submitted*)

212 Lavaca Street, Suite 200

Austin, TX 78701

Telephone: 512.652.5780

Attorneys for Defendant Alorica, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I electronically transmitted the foregoing **NOTICE OF REMOVAL** to the Clerk's Office using the CM/ECF system for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Mark R. Thierman
Joshua D. Buck
Leal L. Jones

Pursuant to Fed. R. Civ. P. 5(b), I certify further certify that service of the foregoing
NOTICE OF REMOVAL was also made this date by depositing a true and correct copy of
same for mailing, first class mail, postage prepaid thereon, at Las Vegas, Nevada, addressed to
the following:

Mark R. Thierman
Joshua D. Buck
Leah L. Jones
THIERMAN BUCK LLP
7287 Lakeside Drive
Reno, Nevada 89511
Attorneys for Plaintiffs

Dated this 5th day of June, 2018.

/s/ Darhyl Kerr

INDEX OF EXHIBITS

EXHIBIT A **Summons**

EXHIBIT B Collective and Class Action Complaint

EXHIBIT C **Demand for Jury Trial**

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